

Government of the District of Columbia

ZONING COMMISSION



February 24, 1989

Reginald W. Griffith  
Executive Director  
National Capital Planning  
Commission  
1325 G Street, N.W. (tenth floor)  
Washington, D.C. 20576

Re: Z.C. Cases No. 86-26 (Text and Map  
Amendments - Conn. Ave.); and 87-27  
(Text & Map Amendments - Wisc. Ave.  
II Overlay)

Dear Mr. Griffith:

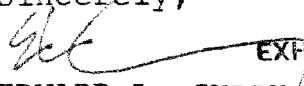
At the public meetings held on March 14, June 13, and  
September 15, 1988, the Zoning Commission for the District  
of Columbia proposed to amend the D.C. Zoning Regulations  
and Map as follows:

(see attached notice of proposed rulemaking)

The proposed amendments are referred to the National  
Capital Planning Commission for review and comment pursuant  
to the Zoning Act, as amended, by the District of Columbia  
Self-Government and Governmental Reorganization Act, as set  
forth in Section 5-417 of the D.C. Code, 1981 Ed.

The Zoning Commission plans to consider this matter for  
final action at its regular monthly meeting on April 10,  
1989. To assist in your review of this proposed action, I  
am attaching a copy of the Office of Planning reports  
related to these cases.

Please acknowledge receipt of this referral by signing  
and returning the enclosed copy of this letter.

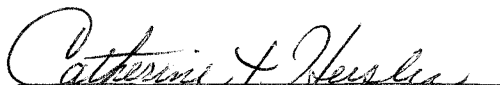
Sincerely,  
  
EDWARD L. CURRY  
Executive Director  
Zoning Secretariat

ZONING COMMISSION  
CASE No. 86-26  
EXHIBIT No. 563

ZONING COMMISSION  
District of Columbia  
CASE NO. 86-26  
EXHIBIT NO. 563

ncpcr86-26&87-27/EB45

Name:



Date:

2/24/89

Zoning Commission for the District of Columbia  
Notice of Proposed Rulemaking  
Case No. 86-26  
(Cleveland Park and Woodley Park - Text and Map Amendments)  
and  
Case No. 87-27  
(Wisconsin Avenue II - Text and Map Amendments)

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in the Zoning Act (D.C. Code Section 5-413, et seq.) and having held public hearings as required, hereby gives notice of its intention to amend the District of Columbia Municipal Regulations, Title 11, "Zoning", and to amend the Zoning Map of the District of Columbia. The proposed amendments would adopt text amendments to establish a Neighborhood Commercial ("NC") Overlay District and discrete NC Districts to be identified as: (1) the Cleveland Park ("CP") Overlay District; (2) the Woodley Park ("WP") Overlay District; and (3) the Macomb - Wisconsin ("MW") Overlay District; would map the CP, WP, and MW Overlay Districts; and would make other related amendments to the zoning map in the Cleveland Park area. Final action to approve the proposed amendments will be taken in not less than thirty (30) days from the date of publication of this notice.

The specific proposed amendment to the text of Title 11 DCMR is to adopt a new chapter 13 to read as follows:

CHAPTER 13        NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT

1300        PREAMBLE

1300.1        The Neighborhood Commercial ("NC") Overlay District is established to preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses which are appropriate for neighborhood shopping and services.

1300.2        The NC Overlay District includes a number of individual overlay zone districts which may be established and mapped from time to time, consistent with the general provisions of this chapter.

1300.3        The purposes of the NC Overlay District are the following:

- (a) To encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient

conditions for pedestrian and vehicular movement, all of which will be as generally required by the comprehensive plan for the national capital;

(b) To encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, so as to meet the needs of the surrounding area's residents, workers, and visitors; and

(c) To limit the maximum permitted height of new buildings so as to encourage a general compatibility in scale between new and older buildings.

1300.4 The provisions of this chapter which apply to the discrete NC Overlay Districts shall reflect the character, scale, and needs of the particular district.

#### 1301 GENERAL PROVISIONS

1301.1 The NC Overlay District is mapped in combination with the underlying commercial zone district and not instead of the underlying district.

1301.2 Except as specifically provided in sub-section 1301.3 of this section and in other provisions of this chapter, all uses, buildings, and structures permitted in accordance with this chapter, and the appropriate regulations of the underlying district with which the mapped NC Overlay District is combined, shall be permitted in the combined district.

1301.3 All restrictions and prohibitions provided with respect to either of the districts combined in accordance with this chapter shall also apply, except as specifically modified by this chapter.

#### 1302 PREFERRED AND RESTRICTED USES

1302.1 Any building which occupies or is constructed on a lot in a preferred use area within an NC Overlay District shall provide preferred retail and service establishments on the ground level according to the requirements of this section and any additional requirements of the particular overlay district.

1302.2 The preferred uses for purposes of this section are the following:

- (a) Any use which is permitted as a matter of right in the C-1 District pursuant to sub-sections 701.1 or 701.4, of this title;
- (b) Library;
- (c) Blueprinting or similar reproduction service;
- (d) Film exchange;
- (e) Interior decorating shop;
- (f) Laundry, self service, with no limitations on the gross floor area;
- (g) Photographic studio;
- (h) Picture framing studio or shop;
- (i) Tailor shop or valet shop, with no limitation on the gross floor area;
- (j) Telegraph office;
- (k) Antique store or shop;
- (l) Auction house;
- (m) Department store;
- (n) Display stand or store for mail order sales;
- (o) Dry goods store;
- (p) Furniture store;
- (q) Home furnishings sales;
- (r) Leather goods store;
- (s) Musical instruments and accessories sales;
- (t) Office supplies and equipment sales;
- (u) Optical goods store;
- (v) Pet shop;
- (w) Precision instrument sales; and
- (x) Theater, including motion picture theater.

- 1302.3 The preferred uses listed in sub-section 1302.2 of this section shall occupy no less than 50 percent of the gross floor area of the ground level of the building, subject to the following requirements:
- (a) No more than 20 percent of the ground level floor area shall be devoted to banks, loan offices or other financial institutions, travel agencies, or other ticket offices;
  - (b) The ground level floor shall be that floor which is nearest in grade elevation to the sidewalk; and
  - (c) In those parts of the affected building or lot other than as delineated in this section, the use provisions of the underlying zone district shall apply.
- 1302.4 Restaurants, fast food restaurants, delicatessens, carry-outs, or other similar eating or drinking establishments, shall occupy no more than 25 percent of the linear street frontage within a particular NC Overlay District, as measured along the lots facing designated roadways in the particular district.
- 1303 LIMITATIONS ON DRIVEWAYS AND CURB CUTS
- 1303.1 No drive-through accessory to any use shall be permitted in the NC Overlay District.
- 1303.2 Within the area of the NC Overlay District, notwithstanding the provisions of sub-section 2117.8(c)(1) of this title, no driveway providing access from any designated roadway to required parking spaces or loading berths shall be permitted.
- 1304 SPECIAL EXCEPTIONS
- 1304.1 Exceptions from the requirements of this chapter shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment after public hearing, in accordance with the conditions specified in Section 3108 of this title, and subject to the following requirements:
- (a) The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC Overlay District and the particular NC Overlay District, and will not adversely affect neighboring property, nor be

detrimental to the health, safety,  
convenience or general welfare of persons  
residing or working in the vicinity;

- (b) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, which justify the exception or waiver;
- (c) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and
- (d) The Board may impose requirements pertaining to design, appearance, signs, size, landscaping and other such requirements as it shall deem necessary to protect neighboring property and to achieve the purposes of the NC Overlay District and the particular overlay district.

1304.2 This section shall not operate to allow any exception to the height or floor area ratio limits of any NC Overlay District.

1305 PLANNED UNIT DEVELOPMENT GUIDELINES

1305.1 In the NC Overlay District, the matter of right height and floor area ratio limits shall serve as the guidelines for Planned Unit Developments.

1306 CLEVELAND PARK NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT

1306.1 The Cleveland Park ("CP") Overlay District is applied to a compact geographic area surrounding the Cleveland Park Metrorail Station and within the Cleveland Park Historic District, comprising those lots zoned C-2-A in Squares 2218, 2219, 2222, 2068, 2069, and 2082.

1306.2 In addition to the purposes which are set forth in Section 1300 of this chapter, the purposes of the CP Overlay District are as follows:

- (a) To provide for safe and efficient pedestrian movement by reducing conflicts between pedestrian and vehicular traffic, so as to improve access to retail services, the Metrorail station, and other uses in the area;

- (b) To encourage compatibility of development with the purposes of D.C. Law 2-144, the Historic Landmark and Historic District Protection Act of 1978; and
  - (c) To provide for retention of existing housing within the CP Overlay District, so as to help meet the need for affordable housing; and to enhance pedestrian activity, safety, and consumer support for businesses in the commercial area.
- 1306.3 For purposes of Section 1302 of this chapter, the preferred use area shall include any lot within the CP Overlay District which fronts on Connecticut Avenue or Macomb, Newark, Ordway, or Porter Streets.
- 1306.4 For purposes of sub-section 1303.2 of this title, the designated roadway within the CP Overlay District shall be Connecticut Avenue.
- 1306.5 In the CP Overlay District, no dwelling unit or rooming unit in existence as of October 1, 1987 shall be converted to any nonresidential use, or to a transient use as hotel or inn; provided, however, that this restriction shall not apply to the ground floor of the building, i.e., that floor which is nearest in grade elevation to the sidewalk.
- 1306.6 The maximum permitted height for any building or structure in the CP Overlay District shall be 40 feet.
- 1306.7 The matter of right floor area ratio in the CP Overlay District shall be 2.0, not more than 1.0 of which may be occupied by non-residential uses.
- 1307 **WOODLEY PARK NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT**
- 1307.1 The Woodley Park ("WP") Overlay District is applied to a compact geographic area surrounding the Woodley Park/Zoo Metrorail station, comprising those lots zoned C-2-A in Squares 2202 and 2203, and those lots zoned C-2-B in Square 2204.
- 1307.2 In addition to the purposes which are set forth in Section 1300 of this chapter, the purposes of the WP Overlay District are to provide for safe and efficient pedestrian movement by reducing conflicts between pedestrian and vehicular traffic,

so as to improve access to retail services, the Metrorail station, and other uses in the area.

- 1307.3 For purposes of Section 1302 of this chapter, the preferred use area shall include any lot within the WP Overlay District which fronts on Connecticut Avenue, Calvert Street, or 24th Street.
- 1307.4 For purposes of sub-section 1303.2 of this title, the designated roadway within the WP Overlay District shall be Connecticut Avenue.
- 1307.5 No hotel, inn, or fast food restaurant shall be permitted in the WP Overlay District.
- 1307.6 The maximum permitted height of any building or structure in the WP Overlay District shall be as follows:
- (a) 40 feet in the WP/C-2-A District; and
  - (b) 50 feet in the WP/C-2-B District.
- 1307.7 The matter of right floor area ratio in the WP Overlay District shall be as follows:
- (a) In the WP/C-2-A District, the matter of right floor area ratio shall be 2.5, not more than 1.0 of which may be occupied by non-residential uses; and
  - (b) In the WP/C-2-B District, the matter of right floor area ratio shall be 3.0, not more than 1.0 of which shall be occupied by non-residential uses.
- 1308 **MACOMB-WISCONSIN NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT**
- 1308.1 **The Macomb-Wisconsin ("MW") Overlay District applies to the neighborhood commercial area near and extending from the intersection of Macomb Street and Wisconsin Avenue, N.W., comprising those lots zoned C-2-A or C-1 in Squares 1920 and 1920N.**
- 1308.2 In addition to the purposes which are set forth in Section 1300 of this chapter, the purpose of the MW Overlay District is to provide for public review of large developments as to their proposed uses, vehicular access, and the scale and massing



of proposed buildings, so as to ensure compatibility with and enhancement of the primary neighborhood retail function of the commercial area and to advance the other purposes of this overlay district.

- 1308.3 Within the MW Overlay District, on a lot which has 10,000 square feet or more in land area, construction of a new building or enlargement of the gross floor area of an existing building by 50 percent or more, shall be permitted, subject to review and approval as a special exception by the Board of Zoning Adjustment, pursuant to the same standards and criteria set forth in Section 1304 of this chapter.
- 1308.4 For purposes of Section 1302 of this chapter, the preferred use area shall include any lot which fronts on Wisconsin Avenue or Macomb or Newark Streets within the WP Overlay District.
- 1308.5 For purposes of sub-section 1303.2 of this chapter, the designated roadways within the MW Overlay District shall be Wisconsin Avenue and Macomb Street.

The specific proposed amendments to the Zoning Map of the District of Columbia are as follows:

1. Change to CP/C-2-A those portions of Squares 2218, 2219, 2222, 2068, 2069, and 2082, which are currently zoned C-2-A;
2. Change to WP/C-2-A those portions of Squares 2202 and 2203 which are currently zoned C-2-A;
3. Change to WP/C-2-B that portion of Square 2204 which is currently zoned C-2-B;
4. Change to MW/C-1 those portions of Squares 1920 and 1920N which are currently zoned C-2-A; and
5. Change Lots 72, 73, and 74 in Square 2068 from C-2-A to R-2.

Written comments may be submitted to the Zoning Commission through the Executive Director of the Zoning Secretariat,

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Case No. 86-26 & 87-27  
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District Building, Room 11, 1350 Pennsylvania Avenue, N.W.,  
Washington, D.C. 20004. Comments must be in writing.  
Comments which are received after the close of business  
(4:45 p.m.) on April 3, 1989, will not be considered.  
Copies of the proposed rules are available at the Zoning  
Secretariat; call 727-6311.